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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,501	07/29/2003	Horace P. Halling	03-150	6768

25306 7590 06/09/2005

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EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,501

Applicant(s)

HALLING, HORACE P.

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-15,17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 21 is/are allowed.
- 6) ☒ Claim(s) 10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10, 12-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Halling (US. 5,158,305).

Regarding claim 10: Halling discloses an annular axial seal having a “J” shaped cross-section (where 14 forms a “J” shape). The annular axial seal comprising a first end portion having a first distal end (30), a generally curled second end portion (portion having 32) that extends to a second distal end (second end 32) and a central body between and contiguous the first and second end portions (portion between the first and second end). The annular axial seal having a first side and second side (first side 26 and second side 28). The second end portion curling in a first direction in accordance with a predetermined radius such that the second distal end is located across from the first side of the annular axial seal (the second end 32 is located across from the first side of the annular axial seal). The first and second distal ends do not face each other (the ends do not face each other).

Regarding claim 12: The central body has a generally frustro-conical shape and has no inflection points (the central body is generally frustro-conical).

Regarding claim 13: The annular axial seal is metallic (the seal is metallic).

Regarding claim 15: The annular axial seal has a degree of resiliency.

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3. Claims 10, 12 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Halling (US. 4,457,523).

Regarding claim 10, 12 and 13-14: Halling discloses an annular axial seal having a “J” shaped cross-section (where 12 forms a “J” shape). The annular axial seal comprising a first end portion having a first distal end (end near 47), a generally curled second end portion (portion having 46) that extends to a second distal end (end near 46) and a central body between and contiguous the first and second end portions (portion between the first and second end). The annular axial seal having a first side and second side (second side 42 and first side opposite of 42). The second end portion curling in a first direction in accordance with a predetermined radius such that the second distal end is located across from the first side of the annular axial seal (the second end 32 is located across from the first side of the annular axial seal). The first and second distal ends do not face each other (the ends do not face each other). The annular axial seal is metallic and is fabricated from a metal chosen from the group consisting of nickel super alloys and nickel cobalt alloys.

Regarding claim 15: The annular axial seal has a degree of resiliency.

Response to Arguments

4. Applicant's arguments with respect to claims 10, 12-15 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claim 17 and 21 are allowed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (571) 272-7060. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (571) 272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
June 6, 2005

A handwritten signature in black ink, appearing to read 'Vishal Patel', with a stylized flourish at the end.

Vishal Patel
Patent Examiner
Tech. Center 3600